

IN THE SENATE OF THE UNITED STATES.

MAY 12, 1896.—Ordered to be printed.

MR. BAKER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 2535.]

The Committee on Pensions, to whom was referred the bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., have considered the same, and make the following report:

Elender Herring was the mother of the late George W. Herring, who enlisted as a private in Company I, Sixty-second Regiment Illinois Volunteer Infantry, on the 1st day of February, 1862, and died in the service on the 12th day of January, 1863.

On the 26th day of March, 1892, Elender Herring filed a claim for pension as the dependent mother of the said George W. Herring, but her claim was rejected on the 31st day of January, 1893, on the ground that the soldier left a widow surviving him.

The evidence on file shows that the soldier was married to one Emily Millworth on the 25th day of October, 1862, by the chaplain of the Sixty-second Regiment of Illinois Volunteer Infantry, and that on the 23d day of November, 1869, Emily Herring filed a claim in the Pension Bureau as the widow of the late George W. Herring. Her claim was rejected October 5, 1871, the evidence showing conclusively that at the time of the marriage of the said Emily Herring to the deceased soldier she was the wife of one John Millworth, from whom she had never been divorced and to whom she was married sometime prior to the 8th day of September, 1860, at which time it is alleged he deserted her. The widow, Emily Herring, it seems, has never been seen nor heard of since.

Satisfactory evidence has been filed with the Commissioner of Pensions to establish beyond a doubt that the said Elender Herring was the mother of the deceased soldier, a copy of the records of Pike County, State of Illinois, showing that she was married to one Washington Herring on the 30th day of November, 1837, under the name of Miss Elender Levie, and that the deceased soldier, George W. Herring, was the fruit of that marriage.

As there seems to be considerable doubt of the legality of the marriage of the said Emily Millworth, and upon which the rejection of her claim was based by the Honorable Commissioner of Pensions, it would seem but a matter of justice to recognize the mother, Elender Herring, as the rightful person to whom any benefits may accrue by reason of the service of the deceased soldier.

Mrs. Elender Herring is now past her seventy-fifth birthday, is

absolutely without means of support, and utterly unable to perform manual labor by reason of her advanced age and general debility.

The soldier, George W. Herring, was her sole means of support when he entered the Army, and at the time he entered he was under age. She is now dependent upon the charity of persons in the city and county.

Your committee are of the opinion that the claimant ought to be benefited, and therefore recommend that the bill be passed without amendment.

